

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. GIANLUCA DI NARDO, et al., Defendants.	Case No.: 1:08-cv-06609-JGK Related Case: 1:08-cv-04520-JGK
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**~~[PROPOSED]~~ ORDER TO DISBURSE FUNDS TO PAY COUNTER-PARTIES AND
TRANSFER REMAINING FUNDS TO A NON-INTEREST-BEARING ACCOUNT**

The Court, having reviewed plaintiff the Securities and Exchange Commission’s (“SEC’s” or “Commission’s”) Motion to Disburse Funds to Pay Counter-Parties and Transfer Remaining Funds to a Non-Interest-Bearing Account (the “Motion”), the supporting declarations of Susan S. Pecaro and Stuart Jackson, and the Commission’s Memorandum of Law in Support of Motion, for good cause shown, and there having been no objections,

IT IS HEREBY ORDERED:


Funds were previously ordered deposited into the Court Registry Investment System (CRIS) by Order dated October 12, 2010. The Clerk of the Court then deposited those funds into an interest-bearing account with the Court Registry Investment System (“CRIS”), under the case name designation *Securities and Exchange Commission v. Gianluca Di Nardo, et al.*, Account No. 1:08cv06609-1 (herein, “CRIS Account 1”), in anticipation of a distribution to injured Counter-Parties. Subsequently, by Order dated April 19, 2011, additional monies were paid to

the Clerk of the Court, and the funds were also deposited into an interest-bearing account with the CRIS under the case name designation *Securities and Exchange Commission v. Gianluca Di Nardo, et al.*, Account No. 1:08cv06609-6 (herein, “CRIS Account 6”). As of September 1, 2024, the balances in CRIS Account 1 and CRIS Account 6 totaled approximately \$4,908,980 (the “Fair Fund”). The funds plus any accrued interest in CRIS in this action shall be withdrawn and disbursed as follows:

1. The Clerk of Court shall deduct from the investment the authorized fee from the earned income, as authorized by the Judicial Conference and set by the Director of the Administrative Office;
2. From the remaining funds on deposit in CRIS, and upon receipt of tax identification information, payments totaling \$159,679.00 shall be made from the interest-bearing account with the Court Registry Investment System (“CRIS”), under the case name designation “SEC v. Gianluca Di Nardo et al.,” account number 1:08cv06609-1 to the Counter-Parties identified in Exhibit A to the Declaration of Stuart Jackson, dated September 20, 2024 (“Exhibit A”). Because of the dissolution of Counter-Party 1 in 2015, Counter-Party 1’s payment should be made to Counter-Party 2;
3. Following entry of this order, the Commission staff shall provide the Clerk of the Court with the ACH transfer information for each Counter-Party necessary to effectuate the distribution and tax identification and withholding information for each Counter-Party; and

4. After disbursement of the monies to the Counter-Parties, any remaining funds in account number 1:08cv06609-1, along with any remaining funds in CRIS account number 1:08cv06609-6, shall be transferred by the Clerk from the CRIS to a single non-interest-bearing account held by the Court under the case name designation "SEC v. Gianluca Di Nardo et al."


Dated: 10/18/24



JOHN G. KOELTL
UNITED STATE DISTRICT JUDGE

*The Clerk is directed to close
all open motions.*

so ordered.

10/18/24 

U.S.D. J.